

★ DEC 06 2010 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SHONDELLE WEST,

Plaintiff,

- against -

JOHN ARBOGAST and SONIA F. ELLIOTT,

Defendants.
-----X

MAUSKOPF, United States District Judge.

ORDER
09-CV-3792 (RRM) (RML)

By order dated February 2, 2010, this Court referred all issues concerning service of process to the assigned Magistrate Judge for a Report and Recommendation. On November 5, 2010, Magistrate Judge Levy issued a Report and Recommendation (the "R&R") recommending that Defendants' motion to dismiss the Complaint for Plaintiff's failure to affect timely service of process as required by Rule 4(m) of the Federal Rules of Civil Procedure be granted and that the Complaint be dismissed without prejudice. Judge Levy reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due November 19, 2010. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Defendants' motion is GRANTED and the Complaint is DISMISSED without prejudice.

SO ORDERED.

Dated: Brooklyn, New York
December 6, 2010

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge